

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA	§	CRIMINAL NO. 4:20-CR-00472
	§	
v.	§	(Murder in Aid of Racketeering,
	§	18 U.S.C. § 1959(a)(1); Conspiracy
JIMMY VILLALOBOS-GOMEZ,	§	to Commit Murder in Aid
a/k/a “Duchi,” a/k/a “Duchy,” and	§	of Racketeering, 18 U.S.C.
	§	§ 1959(a)(5); and Aiding and
WALTER ANTONIO CHICAS-GARCIA,	§	Abetting, 18 U.S.C. § 2)
a/k/a “Walter”	§	

**UNOPPOSED MOTION TO EXTEND DEADLINE FOR GOVERNMENT TO
PRODUCE DEATH PENALTY DECISION**

COMES NOW the United States of America, by and through its counsel, Jennifer Lowery, Acting United States Attorney for the Southern District of Texas, John M. Lewis and Britni Cooper, Assistant United States Attorneys, David L. Jaffe, Chief of the Organized Crime and Gang Section of the United States Department of Justice, Gerald Collins, Julie Finocchiaro, and Matthew Hoff, Trial Attorneys, and respectfully requests that the Court grant an extension for the deadline for the Government to produce a Death Penalty Decision in the above-captioned matter.

1. On January 28, 2021, a status conference in this matter was held before the Court. During the status conference, the Court set several deadlines for the parties to comply with. One such deadline set was for the Government to have a decision produced to the Court as to whether or not it was seeking the Death Penalty against the defendants. The Court set that deadline for April 14, 2021. During the status conference, the Court instructed that additional time for this particular deadline could be granted upon request from the Government.

2. On March 5, 2021, the Court granted an extension of the deadline upon an unopposed request from the Government. The Court set the new deadline for July 14, 2021.

3. The Government has conferred with its' Capital Case Section and has been advised that a decision on whether the Government will seek the Death Penalty against the Defendants in this matter will not be ready by the Court's July 14, 2021 deadline. A Capital Case Section attorney has requested that the Government seek a sixty day extension of the Court's deadline.

4. As a result, the Government is respectfully requesting the Court provide additional time for a decision as to whether the Death Penalty will be sought against the Defendants in this case. The Government respectfully asks for the deadline to be rescheduled to September 14, 2021.

5. The Government will report to the Court with a decision as soon as it has been made and will potentially do so in advance of September 14, 2021, should the Court allow this extension.

6. Counsel for the United States has transmitted this motion to counsel for each Defendant prior to filing and counsel for each defendant has indicated they are unopposed to the Government's request. A certificate of compliance is attached hereto.

WHEREFORE, for the reasons above, the Government respectfully requests that the Court allow the Government additional time to present its' decision as to whether the Death Penalty will be sought against the Defendants in this matter.

Respectfully submitted,

/s/ John M. Lewis

John M. Lewis

Britni Cooper

Assistant United States Attorneys

United States Attorney's Office

Southern District of Texas, Houston Division

Gerald Collins

Julie Finocchiaro

Matthew Hoff

Trial Attorneys

Department of Justice

Organized Crime and Gang Section

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a/k/a “Walter”	§	

**ORDER GRANTING AN EXTENSION OF DEADLINE FOR GOVERNMENT TO
PRODUCE DEATH PENALTY DECISION**

This matter having been put to the Court on the motion of the United States of America, by and through its counsel, Jennifer Lowery, Acting United States Attorney for the Southern District of Texas, John M. Lewis and Britni Cooper, Assistant United States Attorneys, David L. Jaffe, Chief of the Organized Crime and Gang Section of the U.S. Department of Justice, Gerald Collins, Julie Finocchiaro and Matthew Hoff, Trial Attorneys, for the entry of an order: GRANTING an extension of the deadline for the Government to produce a decision as to whether it will seek the Death Penalty against the Defendants in this matter.

WHEREFORE, it is on this _____ of _____, 2021, ORDERED that for the reasons set forth above, the deadline for the Government to produce a decision as to whether it will seek the Death Penalty against the Defendants in this cause is hereby extended and;

IT IS FURTHER ORDERED that on September 14, 2021 the Government will advise the Court as to whether it intends to seek the Death Penalty against the Defendants in this cause.

THE HONORABLE KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF CONFERENCE

The undersigned certifies that he has provided notice to counsel for both Defendants regarding the above motion. Counsel for both Defendants have indicated they are unopposed to this motion.

/s/ John M. Lewis

John M. Lewis

Assistant United States Attorney

United States Attorney's Office

Southern District of Texas

Houston Division